

LONGYEAR & LAVRA, LLP
Van Longyear, CSB No.: 84189
Nicole M. Cahill, CSB No.: 287165
Denny Yu, CSB No.: 345213
555 University Avenue, Suite 280
Sacramento, CA 95825
Phone: 916-974-8500
Facsimile: 916-974-8510
Emails: longyear@longyearlaw.com
cahill@longyearlaw.com
yu@longyearlaw.com

Attorneys for Defendant,
COUNTY OF SACRAMENTO
(erroneously sued herein as “Sacramento County
Sheriff’s Department”)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

YAPHETTE GEIGER; JETHRO GEIGER;
K.S., a minor, by and through their Guardian,
BRANDIE SMITH; K.G., a minor, by and
through their Guardian, BRANDI SMITH; and
N.G., a minor, by and through their Guardian,
ASIA LEE HERON; and JW GEIGER

Plaintiffs

v.

COUNTY OF SACRAMENTO,
SACRAMENTO COUNTY SHERIFF’S
DEPARTMENT and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 2:22-CV-00043-JAM-DB

**AMENDED JOINT STIPULATION AND
ORDER TO MODIFY SCHEDULING
ORDER**

Plaintiffs Yaphette Geiger; Jethro Geiger; K.S., by and through their Guardian Brandi Smith; K.G. by and through their Guardian Brandi Smith; and N.G. by and through their Guardian Asia Lee Heron, and JW Geiger (hereinafter “Plaintiffs”) and Defendant COUNTY OF SACRAMENTO (hereinafter “Defendants”), by and through their counsel of record (collectively “Parties”), hereby stipulate and request that the Court continue discovery and the pre-trial

deadlines in this matter. Pursuant to the current scheduling order (ECF No. 16), the current schedule is as follows:

- Expert Disclosure: June 27, 2023
- Supplemental Expert Disclosure: July 27, 2023
- Discovery Cutoff: September 25, 2023
- Dispositive Motion Deadline: November 17, 2023
- Hearing on Dispositive Motions: January 23, 2024
- Pretrial Conference: March 1, 2024
- Trial: April 15, 2024

The parties in this case request an extension of all deadlines by approximately sixty days. Accordingly, the respective deadlines would be as follows:

- Expert Disclosure: September 29, 2023
- Supplemental Expert Disclosure: October 13, 2023
- Discovery Cutoff: November 24, 2023
- Dispositive Motion Deadline: January 19, 2024
- Hearing on Dispositive Motions: March 26, 2024 at 1:30 p.m.
- Pretrial Conference: May 17, 2024 at 10:00 a.m.
- Trial: July 1, 2024 at 9:00 a.m.

A scheduling order may only be modified upon a showing of good cause and by leave of court. Fed. R. Civ. Proc. 6(b)(1)(A); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). In considering whether a party moving for a schedule modification has good cause, district courts primarily focus on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at 609. Here, the parties have exchanged initial Rule 26 disclosures, consisting of over one thousand pages of documents, photos, witness statements, and hours of video and audio footage, including surveillance video depicting portions of the incident. After review of disclosures, the parties opted to attempt to resolve the matter before engaging in costly discovery. Those efforts have failed to yield successful results. Defendants have noticed the depositions of the Plaintiffs for April; however, Plaintiffs' counsel has represented they are

1 unavailable for deposition in the next few weeks. Defendant requires the deposition of the
2 Plaintiffs prior to expert disclosures so that there is ample time for the court reporter to complete
3 the transcript and Defendant's expert to review said transcripts. Additionally, Plaintiffs' counsel
4 has indicated an intent to file a motion to withdraw as counsel. The parties believe a brief
5 extension of the current scheduling order is warranted under the circumstances. The parties do
6 not believe the requested extension will prejudice any party.

7 For these reasons, good cause exists to modify the scheduling order as outlined above.

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9 Dated: April 25, 2023

LONGYEAR & LAVRA, LLP

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11 By: /s/ Nicole M. Cahill

VAN LONGYEAR

NICOLE M. CAHILL

DENNY YU

Attorneys for Defendant,

COUNTY OF SACRAMENTO

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15 Dated: April 25, 2023

MOSLEY & ASSOCIATES

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17 By: /s/ Nathalie Meza Contreras [as authorized 4-24-23]

Walter Mosley, Esq.

Carlos E. Montoya, Esq.

Nathalie Meza Contreras, Esq.

Attorneys for Plaintiffs

ORDER

Good cause having been shown, based on the foregoing Stipulation by the Parties, the Court hereby ORDERS as follows:

Event	Current Schedule	New Schedule
Expert Disclosure	June 27, 2023	September 29, 2023
Supplemental Expert Disclosure	July 27, 2023	October 13, 2023
Discovery Cutoff	September 25, 2023	November 24, 2023
Dispositive Motion Deadline	November 17, 2023	January 19, 2024
Dispositive Motion Hearing	January 23, 2024	March 26, 2024 at 1:30 p.m.
Pretrial Conference	March 1, 2024	May 17, 2024 at 10:00 a.m.
Trial	April 15, 2024	July 1, 2024 at 9:00 a.m.

Dated: April 25, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE